IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 8224 of 1998
With
SPECIAL CIVIL APPLICATION No. 8276 of 1998
With
SPECIAL CIVIL APPLICATION No. 8923 of 1998

For Approval and Signature:

HONOURABLE MR.JUSTICE KSHITIJ R.VYAS

HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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HOSANG JEHANGIRJI MIRZA - Petitioner(s)

Versus

STATE OF GUJARAT & 5 - Respondent(s)

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Appearance :
MR VM TRIVEDI for Petitioner(s) : 1,
Mr P R Abichandani, Asstt.GOVERNMENT PLEADER for Respondent(s) : 1 - 3, 5,
MR PRASHANT G DESAI for Respondent(s) : 4,
NOTICE SERVED for Respondent(s) : 6,
(MR MUKESH R SHAH) for Respondent(s) : 6,
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CORAM : HONOURABLE MR.JUSTICE KSHITIJ R.VYAS
and
HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

Date : 04/10/2005

ORAL (COMMON) JUDGMENT

(Per : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA)

Rule. Mr P R Abichandani, learned AGP waives service of notice of rule for respondents No.1,3 and 5. These petitions are by way of Public Interest Litigation wherein a common apprehension has been expressed that on account of the breaches caused in the embakment running along the stream of Tapti river in Surat, there are occasions that when the water is released from Ukai dam, from the flood gates, it results into flooding of the low lying areas. It is therefore, prayed that the concerned authority be directed to carry out repairs of the wall making the embakment safe which can reduce flow of water.

2. Mr P R Abichandani, learned AGP, on instruction of the concerned officer who is present in the court states that the required repairing of the wall has already been carried out and the wall is made absolutely safe. He further states that the breach is being caused by private individuals to make their access to the river bed easy. However, now a constant vigil will be maintained and also periodical inspection of the wall will be carried out. So far as the repairing work is concerned, Mr K K Trivedi, learned Advocate for the petitioner also confirms this fact. In view of the aforesaid, nothing more is required to be done in these petitions. These petitions are accordingly disposed of. Rule discharged.

[Kshitij R Vyas, J.]

[Akshay H Mehta, J.]

msp